

KENTUCKY BOARD OF RESPIRATORY CARE

SUMMARY MINUTES

February 28, 2008

A special meeting of the Kentucky Board of Respiratory Care was held at 5:30 p.m., at KBRC Offices, 2624 Research Park Drive, Suite 304, Lexington, KY on Thursday, February 28, 2008.

MEMBERS PRESENT

Dr. Byron T. Westerfield, Chair
Klaus Becker, Vice-Chair
Tami McDaniel
Pat Fisher
Dr. Abdi Vaezy
James P. Bronson, Jr.
Jeff W. Knight

KBRC STAFF

Peggy Lacy Moore, Executive Director
Rick L. Rose, Administrative Assistant

OTHER

Cheryl Lalonde, AAG

Dr. Westerfield called the meeting to order at 5:45 p.m., at the KBRC offices.

The Board welcomed and Mrs. Moore gave the oath of office to new members James P. Bronson, Jr., and Jeff W. Knight.

Minutes

Klaus Becker moved to approve the December 13, 2007 minutes as amended; seconded by Tami McDaniel. Motion carried unanimously.

Budget Report - FY 2006-2007

Mrs. Moore presented an email notice from Carla Tabeling, Budget Analyst at GOPM, wherein a sweep of KBRC's funds of \$24,000 is being proposed to be taken from our FY 2007-2008 funding out of our small budget of \$181,100. GOPM advises this proposal of fund transfers is part of the Governor's Budget Recommendations to the Legislature for FY 2008-1010 budget. The Board discussed that since raising fees in September 2006, we are right back where we started and no farther ahead operating if we lose the funds derived from the small fee increase to keep this Board operational. Tami McDaniel was very adamant, and speaking as President of the KSRC, stated the professional group now has 500 members. She will ask the members of KSRC to get involved and contact legislators to strongly oppose the practice of fund transfers because it is another form of taxation on the profession.

A motion was made by Klaus Becker to contact the KY General Assembly to advise them the KBRC Board stringently objects and opposes the removal of any "fund transfers" to the General Fund to balance the state budget and to notify the House of Representatives and Senate

Appropriations and Revenue Committee members of our strong opposition to this practice during the last eight to ten years; seconded by Tami McDaniel. Motion carried unanimously.

Report from CEU Committee - Continuing Education

Pat Fisher updated the Board on the CEU submissions and finishing the 2008 renewal audits she had reviewed and approved. Ms. Fisher had questions from practitioners concerned about what was allowable as a CEU with regards to college courses. Ms. Lalonde suggested that we have specific laws pertaining to CEU's. It was agreed Ms. Lalonde would prepare a statement to clarify the CEU debate on college courses. After approval by the Board, the statement will be placed on our website to make it more clear and concise about what is acceptable. The statement will also encourage folks to get CEU's approved early, prior to their renewal cycles.

Jesse Latham Email Inquiry

Tami McDaniel presented an email from Jesse Latham. Mr. Latham requested guidelines for advanced respiratory care procedures (similar to the NC Respiratory Care Board's declaratory rulings). Ms. McDaniel stated pursuant to 314A.100, our laws call for documented competencies and policies so we don't need declaratory rulings. Ms. Lalonde stated she knew of one board, the Nursing Board that issues advisory opinions pursuant to authority of statute. Ms. McDaniel will advise Mr. Latham that hospital policy coupled with documented competencies is the procedure she suggests. Mrs. McDaniel will reply to Mr. Latham's request that we can only give him direction within the confines of our statutes and regulations and beyond that he would need to confer with private counsel.

Agreed Orders:

Shirley Henderson KY # 0086 Agreed Order 5/20/05 & Amendment 10/16/06

Mrs. Moore provided an update from Lance Warmath, Probation & Parole Officer in Marshall County, KY. Ms. Henderson is entering into a second diversion program. Ms. Lalonde advised that Ms. Henderson must document six months of continued sobriety working the KYPRN program before she may petition the Board for reinstatement of her respiratory license. The Board requested an update on Ms. Henderson's latest drug screen with Mr. Fingerson.

Darlene Jackson KY # 4926 – Agreed Order 3/15/05

Mrs. Moore stated we have received documentation that Ms. Jackson is in compliance with the terms of her Agreed Order.

Katrina A. Baker KY # 0208 – AO 4/20/06; Amended Order 3/16/07 & 8/9/2007

Ms. Lalonde advised the Board that Katrina Baker has failed on her monthly reporting to Mr. Fingerson and the KYPRN Program since October 17, 2007. The Board agreed Ms. Baker will need to document one (1) year of continued sobriety working the KYPRN Program with Mr. Fingerson before requesting reinstatement of her license.

Sharon Barnes KY # 0556 – AO 5/20/05 & Amended 8/17/06; March 18, 2008

Ms. Lalonde advised that Ms. Barnes tested positive for barbiturates in a recent drug screen. A motion was made by Tami McDaniel for legal counsel to draft an order to suspend Ms. Barnes' certificate for a minimum of six (6) months. Ms. Barnes will need to document six (6) months of continued sobriety before she may petition the board for reinstatement of her certificate; seconded by Jim Bronson. Motion carried unanimously.

David Ray Ballard KY # 0209 – July 26, 2007

Mrs. Moore stated David Ray Ballard had completed his six (6) month suspension but has not filed a reinstatement application to work in respiratory at this time.

Tami D. Balser KY # 2181 – KYPRN Update & AO Pending

Ms. Balser needs to work with Mr. Fingerson to coordinate her rehabilitation with KYPRN and Bluegrass Comprehensive Care. Ms. Lalonde will draft an Agreed Order for Ms. Balser consistent with the aims of the two programs once Ms. Balser has followed through.

Old Business

No old business was presented.

Complaints

Pursuant to KRS 61.810 (1) (c) and (j), Klaus Becker made a motion for the Board to go into closed session to discuss proposed or pending litigation and individual adjudications. The motion was seconded by Pat Fisher, and carried unanimously.

Klaus Becker moved to come out of closed session; seconded by Jeff Knight. Motion carried unanimously.

A. Mark Pierce - KY # 0936

Mr. Pierce was convicted and sentenced on two Class D felonies involving Medicaid fraud. Klaus Becker made a motion to close our case since Mr. Pierce did not renew his certificate, reserving the right for the Board to decide later about the effect of the convictions should Mr. Pierce apply for reinstatement of his license in the future; motion was seconded by Jeff Knight and carried unanimously.

B. Edward R. Price - KY # 4682

Klaus Becker made a motion to issue a Final Order of the Board by adopting the Order of Default and Recommended Order issued by the Hearing Officer. Motion was seconded by Jeff Knight and carried unanimously.

C. Gary D. Short – KY # 4901

Klaus Becker made a motion for legal counsel to draft an Agreed Order for Gary Short, due to fraud and violations of respiratory practices to include a fine of \$500 and a two (2) week suspension of his respiratory license; motion was seconded by Tami McDaniel and carried unanimously.

New Business

Pacific Pulmonary Services Locating Office to Lexington, KY

Klaus Becker updated the Board that Pacific Pulmonary Services from California planned to locate a new customer service center in Lexington, KY. Pacific Pulmonary plans to create more than 200 employment opportunities, with a help of \$1.6 million investment from the Commonwealth and city of Lexington, KY.

Bob Thompson Request for Mandatory Licensure

Ms. Lalonde discussed the Mandatory application submitted by Bob Thompson, from Austin, CO. Mr. Thompson provided background information on a 2002 DUI conviction and also submitted an evaluation by Colorado Western Slope Counseling reporting five (5) years of sobriety. The Board approved the application for Mr. Thompson to work in the respiratory profession in KY.

Candace D. Tabor, KY # 2479 – Lapsed Licensure

Mrs. Moore presented an approved and signed Agreed Order including a fine of \$450 for Candace D. Tabor who worked nine (9) days without proper licensure after January 30, 2008.

Tara Crimmins, KY # 5255 – Lapsed Licensure

Mrs. Moore presented an approved and signed Agreed Order including a fine of \$350 for Tara Crimmins who worked seven (7) days without proper licensure after January 30, 2008.

Jonathan F. Huff, KY # 3930 – Lapsed Licensure

Mrs. Moore presented an approved and signed Agreed Order including a fine of \$200 for Jonathan F. Huff who worked four (4) days without proper licensure after January 30, 2008.

James E. Lawson, II, KY # 5281 – Ratify 2008 Renewal Application

Dr. Westerfield requested the Board to ratify the 2008 renewal application for James E. Lawson, II. Mr. Lawson marked “yes” to the felony question on his renewal and supplied information on a DUI conviction. Dr. Westerfield gave temporary approval for Mr. Lawson to work on January 28, pending the Board’s ratification of Mr. Lawson’s renewal at the February meeting.

Theresa Perkins – Request to Attend Respiratory School & Seek A Respiratory License

Mrs. Moore presented a request from Theresa James-Perkins who wanted to enroll in a respiratory program in Western, KY. Ms. James-Perkins sent letters of recommendations of her good works and determination to work in the medical field, after having a conviction and five-year probation due to a drug conviction. The Board agreed it was up to Ms. James-Perkins to determine if she would pursue her goal of entering a respiratory program and it was not the right time to consider her for a respiratory license.

Announcements

The next regular meeting will be held on Thursday, April 10, 2008 at 5:30 p.m., at Sal's Restaurant, Lansdowne Shopping Center, 3347 Tates Creek Road, Lexington, KY.

Application Review

A motion was made by Klaus Becker to accept all **30** applications since the last meeting; seconded by Jeff Knight. Motion carried unanimously.

The following **Student applications (13)** were approved:

Sarah L. Bell, Melinda M. Brock, Shelley E. Cameron, Baranda D. Corder, Melinda S. Hamm, Autumn D. Jones, Ronnie G. Justice, Andrea G. Miller, Sharelle L. Morton, Samantha M. Pate, Tina M. Rice, Krystal D. Summers, and Paul D. Tomlin.

The following **Temporary applications (0)** were approved:

No temporary applications were presented.

The following **NBRC applications (24)** were approved:

Michelle L. Adkins, Catherine A. Blair, Wm. D. Bowman, II, Misty M. Buelterman, Laura L. Burke, Ashley B. Carpenter, Jacqueline M. Dean, Monica F. Ellett, Erin L. England, Thomas M. Frye, Wendy J. Fryman, Samuel W. Garvin, Katherine A. Gartland, Leslie C. Hall, Julia B. Hatfield, Charles S. Johnson, Robert A. Kennard, Pamela S. Lowe, Amie B. Rogers, Ben N. Starkey, Cheri T. Terry, Christopher J. Walker, Leslie T. York, and Delrena G. Lucas.

The following **Reciprocity applications (22)** were approved:

Sheila K. Bowlin, Elizabeth A. Jordon, Tina M. Ennis, Lori B. Hayes, Tracy L. Kayser, Jeffrey G. Kraus, Rebecca M. Link, Tonya C. Loftin, Tami Jo McClanahan, Barbara S. McCormick, Kyle C. Mahan, Jason B. Rigsby, Harlen A. Robinson, Masud Saiyed, Sarah K. Starcher, Patricia J. Townsend, Toni L. Wallace, Melissa D. Williams, Lance E. Workman, Russell D. Yates, Michelle M. Yi, and Crystal J. Young.

Tami McDaniel made a motion to adjourn the meeting at 8:30 p.m.; seconded by Jim Bronson. Motion carried unanimously.

Dr. Byron T. Westerfield, Chair
KY Board of Respiratory Care